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**By ECF**

Judge Ann M. Donnelly  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Simmons et al. v. County of Suffolk et al.*, 2:14-cv-03884-AMD-ARL

Dear Judge Donnelly:

We represent the Plaintiff. We were taken aback by Ms. Flynn's letter dated February 16, 2018, in which she disclosed, for the very first time, that the tentative settlement in this case is subject to a "borrowing" procedure that apparently means that Defendant will not be able to fund it until "in or about June," if not later.

During the settlement process, defense counsel made very clear that any settlement would be subject to legislative approval; that the settlement could not properly be put before the lame duck Legislature in 2017, and only could be presented to the newly constituted Legislature in January 2018; and that, although defense counsel would take reasonable steps to ensure that the tentative settlement would be put before the Legislature as early in January as was practicable, the approval process would be subject to the Legislature's reasonable scheduling procedure, and a firm approval date could not be provided. All of that was communicated, and all of that made and continues to make sense. But defense counsel never said anything at any point – to Plaintiff's counsel, to Your Honor, or to Judge Lindsay – about a "borrowing" requirement that apparently means that June 2018 is the earliest possible funding date. To be frank, we feel misled.

We respectfully suggest that the Court direct defense counsel to provide more information about the schedule, both with respect to the approval process and the "borrowing" process that it never disclosed to us or to the Court.

Respectfully submitted,



Eric Hecker

cc: All Counsel (by ECF)